

- 27<sup>10</sup>. <sup>9</sup> The method according to claim ~~26~~ wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
- 28<sup>11</sup>. <sup>10</sup> The method according to claim ~~27~~ wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.
- 29<sup>12</sup>. <sup>11</sup> The method according to claim 15 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.
- 30<sup>13</sup>. <sup>12</sup> The method according to claim ~~29~~ wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
- 31<sup>14</sup>. <sup>13</sup> The method according to claim ~~30~~ wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.
- 32<sup>15</sup>. <sup>14</sup> The method according to claim 16 wherein the gemifloxacin compound is gemifloxacin or a pharmaceutically acceptable salt thereof.
- 33<sup>16</sup>. <sup>15</sup> The method according to claim ~~32~~ wherein the gemifloxacin compound is gemifloxacin mesylate or a hydrate thereof.
- 34<sup>17</sup>. <sup>16</sup> The method according to claim ~~33~~ wherein the gemifloxacin compound is gemifloxacin mesylate sesquihydrate.

#### REMARKS

Upon entry of this amendment, claims 3, 8 and 12-34 will be pending in the application. Claims 1, 2, 4-7 and 9-11 are being cancelled without prejudice or disclaimer. Claim 3 is being amended and claims 12-34 are being added. Support for this amendment is found, for example, in the original claims of the prior application. No new matter is being added.

A marked-up version showing the amendment to claim 3 is set forth below (new text shown by underlineation):

3. (once-amended) A method of treating or preventing a bacterial infection by pathogenic Mycoplasma bacteria comprising the step of administering an antibacterially effective amount of a composition comprising a gemifloxacin compound, or an antibacterially effective derivative thereof, to a mammal suspected of having or being at risk of having an infection with pathogenic Mycoplasma bacteria.

